

REMARKS

In response to a Final Office Action, Applicants amended claim 1 to essentially incorporate the limitations in now cancelled dependent claims 4 and 5. This amendment was said to raise new issues that would require further consideration and/or search, so Applicants incorporated this amendment into the present RCE application.

In the present Office Action, claim 1 is now rejected under 35 U.S.C. §112 as being indefinite. In particular, it was alleged that the term "enlarged" rendered the claim indefinite because the term is not defined in the claim and the specification does not provide guidance to define the term. It is believed that it is at least implicit in claim 1 that the mixing chamber is enlarged relative to the nozzle. However, in order to more clearly recite this limitation, Applicants have amended claim 1 to define the mixing chamber as enlarged relative to the nozzle. This feature is depicted in FIG. 3 (for example) of the present application and described at page 11, lines 12-15 of the specification in terms of an increase in the cross-sectional area from the nozzle 26 to the mixing chambers 24. Thus, this limitation is fully supported in the specification and described sufficiently for a person of ordinary skill to understand the scope of the invention defined in claim 1.

Claims 1, 2, 8, 13 and 14 were rejected as anticipated by the patent to Beller. In support of the rejection it was alleged that the definition of the mixing chamber in claim 1 was unclear so the limitation was interpreted to simply mean that "there is a chamber between a nozzle and the receiving portion". In other

words, the limitation that the claimed mixing chamber is "enlarged" was ignored in the Office Action. This limitation was ignored in spite of Applicants' arguments presented in the amendment that preceded this RCE application.

With the present amendment to claim 1, the definition of the mixing chamber should now be clear. As explained previously in Applicants' arguments presented in the amendment that preceded this RCE application, Beller does not disclose a mixing chamber between the at least one nozzle and the end portion at both ends of the elongated passageway. As shown in FIG. 1 of Beller, the tips 13, 23 of the syringes 1, 2 butt up directly against the constrictions 33, 35. In other words, in the Beller device the "portion at each of the opposite ends of said passageway configured to receive the tip of a respective syringe", namely tapered bores 36, 37, extend fully up to the nozzles 33, 35. It is clear from FIG. 1 and the Abstract of Beller that this reference contemplates that the fluid mixing occurs in the central mixing chamber 30 between the constrictions 33, 35. Otherwise the carrier element 4, which is described in the Abstract as working as a mixing element, would be pointless. Thus, Beller fails to anticipate Applicants' claim 1 because it does not disclose every limitation of that claim, namely the enlarged mixing chambers. Moreover, Beller specifically teaches away from the two enlarged mixing chambers (one at each end of the passageway) by its disclosure of the central mixing chamber 30 and the carrier element 4 disposed therein.

Since the Beller reference does not anticipate or render obvious Applicants' claim 1 it is believed that this claim is patentable over the art of

record. Moreover, its dependent claims 2, 7, 8, 13 and 14 benefit from the allowability of claim 1 and are thus also believed to be allowable.

In view of the foregoing amendment and arguments, it is believed that this application, including claims 1, 2, 7-8 and 13-14 is in condition for allowance. Action toward that end is requested. The Examiner is invited to contact the undersigned if it is believed that a telephonic interview would be helpful to address any remaining issues.

Respectfully submitted,

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